

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-34612 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA

**** CONDITIONS ****

The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 05/26/09, except as amended by conditions herein.
3. The subject site shall be cleared of all debris, trash and graffiti, prior to the issuance of building permits, and maintained thereafter.
4. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
5. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
6. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

7. Construct all incomplete half-street improvements on Del Rey Avenue adjacent to this site and those portions of Tioga Way necessary to connect Del Rey Avenue and Tioga Way in a manner acceptable to the City Engineer concurrent with development of this site.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to add an additional 25-foot antenna at the 300-foot center line on an existing 321-foot Radio, TV or Microwave Communication Tower located on the north side of Del Rey Avenue, approximately 900 feet west of Monte Cristo Way. The applicant is also proposing additional related equipment inside of an existing 600 square-foot telecommunications building, fenced storage yard and the area between the storage area and the existing tower. The addition of the 25-foot antenna and related equipment will have a minimal impact upon the existing site and the surrounding neighborhood; therefore, staff is recommending approval.

Issues:

- Staff can support the additional 25-foot antenna on the existing 321-foot tower. The existing tower has been in existence since 1975. The building permit for the existing tower was finalized on 07/31/75.
- The current use of the site for a communications tower is non-conforming. Approval of an associated General Plan Amendment (GPA-34610) to PF (Public Facilities) and a Rezoning (ZON-34611) to C-V (Civic) district is required prior to approval of this request. If the associated requests are denied, this Site Development Plan Review cannot be approved, pursuant to Title 19.16.030 (D).

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/05/86	The City Council approved an Annexation (A-0009-85) of property located on the south side of Charleston Boulevard between Fort Apache Road and Torrey Pines Drive for 1,470 acres of various zoning classifications. The Planning Commission and staff recommended approval of the request. The effective date of the Annexation was 03/28/86.
11/23/98	The City Council approved a General Plan Amendment (GPA-0027-98) to amend a portion of the Southwest Sector of the General Plan on properties bounded by Holmby Channel, Via Olivero Avenue, Rainbow Boulevard, and Durango Drive, from R (Rural Density Residential) to DR (Desert Rural Density Residential). The Planning Commission and staff recommended approval of the request.
11/08/07	A Code Enforcement citation (#59678) was issued at the northwest corner of Del Rey Avenue and Tioga Way for trash and debris. Code Enforcement closed the case on 11/15/07.

10/08/08	A Code Enforcement citation (#70520) was issued at the northwest corner of Del Rey Avenue and Tioga Way for trash and debris. Code Enforcement closed the case on 10/14/08.
07/23/09	<p>The Planning Commission recommended denial of companion items GPA-34610 and ZON-34611 concurrently with this application.</p> <p>The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #8/bts).</p>
<i>Related Building Permits/Business Licenses</i>	
09/30/74	A Grant lease (#N-7884) was approved by the Bureau of Land Management for a communications site. The Grant lease will expire on September 29, 2024.
09/31/74	A Building Permit (#BP-19,658) was issued by the United States of America Federal Communications Commission for a 321-foot antenna. The permit was finalized on 07/31/75.
<i>Pre-Application Meeting</i>	
05/08/09	<p>The following items were discussed at the pre-application meeting:</p> <ul style="list-style-type: none"> • The existing 321-foot communication tower and associated equipment was discussed. • The proposed co-location of a 25-foot antenna, new satellite dishes and related equipment was discussed.
<i>Neighborhood Meeting</i>	
06/10/09	<p>A neighborhood meeting was held at 6:30 pm at the Johnson Community School located at 340 Vila Monterey Drive, Las Vegas, Nevada 89145. There were 15 members of the public, four representations of the applicant and one member of the Planning and Development Department present.</p> <p>The following is a list of questions, concerns and comments from the attendants of the meeting:</p> <ul style="list-style-type: none"> • The site is not being properly maintained as it has graffiti and trash on it. • The site has illegal activity occurring on it. • No landscaping is being proposed as a part of the application. • No buffer wall or fence is being proposed as a part of the application. • A request to have the notice area increased for the entire area from Cimarron to Rainbow to Sahara to Charleston. • There was a consensus of opposition towards the new tower and the change in land use and zoning.
<i>Field Check</i>	
06/04/09	<p>A field check was completed on the indicated date. Planning and Development found the following items;</p> <ul style="list-style-type: none"> • Staff identified the existing 321-foot communication tower and the related equipment enclosed by chain-link and barbed wire fencing. • Staff verified that there is existing graffiti and debris on the subject site. A condition of approval has been added to correct this issue.

Details of Application Request	
Site Area	
Gross Acres	10.89 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Communication Tower	DR (Desert Rural Residential) [Proposed: PF (Public Facilities)]	R-E (Residence Estates) [Proposed: C-V (Civic)]
North	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Single-Family Dwellings	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units per Acre) and R-E (Residence Estates)
East	Single-Family Dwellings	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Social Security Building	O (Office)	O (Office)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.06.020, the following standards are proposed:

Standard	Provided
Min. Lot Size	A portion of a 10.89 acre site
Min. Setbacks <ul style="list-style-type: none"> • Front (Del Rey Avenue) • Side (East property line) • Side (West property line) • Rear (North property line) 	548 Feet 554 Feet 106 Feet 114 Feet
Max. Building Height (Structure)	321 Feet
Mech. Equipment	Screened

ANALYSIS

The applicant is proposing to co-locate one antenna at the 300-foot center line on an existing 321-foot Radio, TV or Microwave Communication tower. The applicant is also proposing additional related equipment inside of an existing 600 square-foot telecommunications building, fenced storage yard and between the storage area and the existing tower. A related General Plan Amendment (GPA-34610) and Rezoning (ZON-34611) will accompany the subject application. The proposed Rezoning from R-E (Residence Estates) to Civic (Civic) and the General Plan Amendment for DR (Desert Rural Density Residential) to PF (Public Facilities) will allow the existing tower and any related improvements as a conforming use. The subject site also contains a chain-link fence with barbed wire, which was built as a part of the subject site in 1975. The subject Site Development Plan Review will establish the Radio, TV or Microwave Communication tower use on the subject site pursuant to Title 19.06.

FINDINGS

The following findings must be made for an SDR:

1. **The proposed development is compatible with adjacent development and development in the area;**

The proposed development is compatible with adjacent development and development in the area. The site has existed in its current configuration since 1975, and the proposed changes will have a minimal impact on the site.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is consistent with all applicable City plans, policies and standards for a development within a proposed C-V (Civic) zoning district.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The site is accessed from Del Rey Avenue, a 60-foot Local Street, as designated by the Master Plan of Streets and Highways. This street is adequate to meet the requirement of the proposed zoning district. The subject use will produce a negligible increase in traffic volumes.

4. **Building and landscape materials are appropriate for the area and for the City;**

The proposed building materials are appropriate for this area and for the City.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The overall design will remain largely unchanged with the addition of a 25-foot antenna on the side of an existing 321-foot tower and related equipment will be located at the ground level, thereby remaining compatible with existing development.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 161 by City Clerk

APPROVALS 1

PROTESTS 8